

## REMARKS

This application has been carefully reviewed in light of the Office Action initially dated April 21, 2008 and re-mailed on May 13, 2009. Claims 1, 5, 6, 8 to 11 and 15 remain in the application, of which Claims 1, 5, 11 and 15 are independent. Reconsideration and further examination are respectfully requested.

Claims 1, 5, 6, 8, 9, 11 and 15 were rejected under 35 U.S.C. § 102(e) over U.S. Publication No. 2005/0015801 (Hososda), and Claim 10 was rejected under 35 U.S.C. § 103(a) over Hososda. The rejections are respectfully traversed and the Examiner is requested to reconsider and withdraw the rejections in light of the following comments.

Initially, Applicant once again points out that the cited U.S. publication to Hososda is not prior art to the present application. Applicant previously asserted this point, but the Office Action wholly ignored it and simply recited Hososda again in the rejections. Inasmuch as Hososda is not prior art, entry of a final rejection was clearly improper. Accordingly, it is requested that the finality of the Office Action be withdrawn. To refresh the Examiner's recollection as to why Hososda is an improper reference, the cited U.S. publication to Hososda is for U.S. Application No. 10/480,222. The '222 application is based on a PCT application (PCT/JP02/05962) filed on June 14, 2002. Thus, in order for the U.S. publication to Hososda to have a § 102(e) date, the PCT application on which it is based must have been published in English. However, Applicant notes that the PCT publication corresponding to Hososda (WO 02/104029) was published in Japanese. The Examiner should refer to the foregoing PCT publication to confirm the same. Therefore, the cited U.S. publication to Hososda does not have a § 102(e) date and the reference is only affective against the present application as of its U.S. publication date (January 20,

2005). Since the present application was filed on December 4, 2003, and the U.S. publication to Hososda does not have a § 102(e) date, the cited U.S. publication to Hososda is not prior art to the subject application. The Examiner is yet again requested to remove the U.S. publication as a reference against the subject application and to withdraw all of the prior art rejections.

In view of the foregoing, Applicant need not provide a substantive response to the rejections since they are based on a U.S. publication that is not prior art to the subject application. Applicant notes however, that the PCT publication to Hososda may be considered as prior art to the subject application if it were indeed cited in a rejection, which to date, it has not been cited. Nonetheless, Applicant submits that the presently-claimed invention is allowable over the PCT publication to Hososda for at least the following reasons.

In this regard, in one aspect, the present invention according to claim 1 relates to displaying digital data. According to the invention, digital data to be displayed is described using a in markup language, and includes first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags. When key-input first or second signals are received from a remote controller, a display control highlights a selected element and non-selected elements in one same hierarchical level as the selected element, wherein the selected element is highlighted in a manner distinguishable from the non-selected elements highlighted in a different manner. A switching unit switches a selection of an element between the first hierarchical level elements or between the second hierarchical level elements when the first signal is received, and switches a selection of an element between

the first and second hierarchical level elements when the second signal is received.

With specific reference to the claims, Claim 1 is directed to an information processing apparatus, comprising a first receiving unit constructed to receive digital data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags, a display unit constructed to display the elements included in the received digital data on a display device, a second receiving unit constructed to receive, from a remote controller, key-input first or second signals, a display control unit constructed to highlight a selected element and non-selected elements in one same hierarchical level as the selected element, wherein the selected element is highlighted in a manner distinguishable from the non-selected elements highlighted in a different manner, and a switching unit constructed to switch a selection of an element between the first hierarchical level elements or between the second hierarchical level elements when the first signal is received by the second receiving unit, and switching a selection of an element between the first and second hierarchical level elements when the second signal is received by the second receiving unit.

Claim 11 is a method claim that substantially corresponds to Claim 1.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 1 and 11, and in particular, is not seen to disclose or to suggest at least the features of i) a display control unit/step constructed to highlight a selected element and non-selected elements in one same hierarchical level as the selected element, wherein the selected element is highlighted in a manner distinguishable from the non-selected elements highlighted in a different manner, and ii) a

switching unit/step constructed to switch a selection of an element between the first hierarchical level elements or between the second hierarchical level elements when the first signal is received by the second receiving unit, and switching a selection of an element between the first and second hierarchical level elements when the second signal is received by the second receiving unit.

Hososda may be seen to teach highlighting a selected element. However, Hososda is not seen to teach also that non-selected elements in one same hierarchical level as the selected element is highlighted so as to be distinguishable from the selected highlighted element. Therefore, Claims 1 and 11, as well as the claims dependent therefrom, are believed to be allowable.

The present invention according to claim 5 is characterized in that, when the signal is received, a selection of an element is switched between the plurality of displayed elements in turn according to the information amount contained in each element identified by the identifying step.

Specifically, Claim 5 is directed to an information processing apparatus, comprising a first receiving unit constructed to receive digital data described in a markup language and including a plurality of elements delimited by predetermined tags, a display unit constructed to display the elements included in the received digital data on a display device, an identifying unit constructed to identify an information amount contained in each of said plurality of elements, a second receiving unit constructed to receive a signal input in turn by an arrow key operation from a remote controller, and a switching unit constructed to, when the signal is received by the second receiving unit, switch a selection of an element between said plurality of displayed elements in turn according to the information

amount contained in each element identified by said identifying unit.

Claim 15 is a method claim that substantially corresponds to Claim 5.

The applied art is not seen to teach the features of Claims 5 and 15, and in particular, is not seen to disclose or to suggest at least the features of a second receiving unit/step constructed to receive a signal input in turn by an arrow key operation from a remote controller, and a switching unit/step constructed to, when the signal is received by the second receiving unit/step, switch a selection of an element between said plurality of displayed elements in turn according to the information amount contained in each element identified by said identifying unit.

In contrast, Hososda discloses that a cursor CR is shown highlighting a No. 2 scene information field in the stored list area A1. A desired scene information field is selected by operating the upward and downward cursor keys 22a and 22b to move the cursor position vertically within the stored list area A1. That is, Hososda discloses that an element is selected in descending order of arrangement of elements based on arrow key operation. However, Hososda fails to disclose that the element is selected in turn according to the information contained in each element. Accordingly, Claims 5 and 15, as well as the claims dependent therefrom, are believed to be allowable.

In view of the foregoing amendments and remarks, Claims 1, 5, 11 and 15, as well as the claims dependent therefrom, are believed to be allowable.

As a formal matter, Applicant requests that the Examiner return an initialed Form PTO-1449 for the November 7, 2005 Information Disclosure Statement. Applicant also requests that the Examiner consider the Supplemental IDS filed on October 9, 2007 by including an indication in the next communication that the translation for the Japanese

document cited in the September 27, 2007 IDS has been received. In this regard, the Office Action included a copy of an initialed Form PTO-1449 for a wholly different application (Application No. 10/461,481).

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Edward Kmett/

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